

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 1, in which the spring element 25 and the spring force  $F_s$  have been added in schematic form. A new sheet of drawings (Fig. 4) is submitted showing a schematic depiction of the bearing bores 9a and bearing journals 9b in the lever part 7.

Attachment: Replacement Sheet  
New Sheet

**REMARKS**

Applicants acknowledge that, as indicated in item 13 on page 5 of the Office Action, the substitute specification filed December 13, 2004 was not entered. Accordingly, a further substitute specification, including both the changes made in the original substitute specification and certain additional changes as discussed hereinafter, is submitted herewith. The latter substitute specification contains no new matter.

With regard to the Examiner's comments in item 12 on page 5 of the Office Action concerning the Information Disclosure Statement submitted April 9, 2007, and particularly Japanese patent documents JP 62-194149U and JP 2-106945 U, Applicants note that their records indicate that a copy of a Japanese Office Action dated February 1, 2007 was submitted with the Information Disclosure Statement, including an English-translation of the relevant portion, discussing the pertinent prior art. Accordingly, Applicants respectfully submit that they are entitled to have the latter two references fully considered herein, and request confirmation that this has been done.

In response to the objection to the drawings, as set forth in item 3 on pages 2 and 3 of the Office Action, Applicants have submitted herewith a replacement sheet, in which the spring element 25 and the spring force  $F_s$  have been added in schematic form. In addition, a new sheet of drawings is submitted showing a schematic depiction of the bearing bores 9a and bearing journals 9b in

the lever part 7. Support for these drawing revisions is found in paragraph 15, lines 3 and 14, as well as paragraph 22, lines 4 and 5. In addition, the specification has been amended to incorporate appropriate reference numerals referring to the elements which have been added to the drawing. Further, the reference to the "locking device" in Claim 12 has been cancelled. Accordingly, reconsideration and withdrawal of this ground of objection is respectfully requested.

Claims 5-9, 11 and 15 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the invention, based on certain formal issues cited in item two on page 2 of the Office Action. In response to this ground of rejection, Applicants have amended the claims in a manner which addresses and is believed to resolve the cited formal issues. In addition, Applicants have also further reviewed the claims generally, and have made a number of further amendments in order to eliminate possible additional formal issues. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1-5, 10, 11, 14-16 and 18 have been rejected under 35 U.S.C. § 102(b) as anticipated by Yu et al, while Claims 1-11 and 14-19 have been rejected as anticipated by Burkey. Claims 12 and 13, on the other hand, have been rejected under 35 U.S.C. § 103(a) as unpatentable over either Burkey or Yu et al in view of Henderson. However, for the reasons set forth hereinafter, Applicants

respectfully submit that all claims which remain of record in this application distinguish over the cited references, whether considered separately or in combination.

The present invention is directed to an arrangement for raising and lowering a loading floor, such as might be included in the trunk of a motor vehicle, for example. As shown in Figure 1, according to the invention, a loading floor 3 is moveable between an upper position (shown horizontally at the upper portion of Figure 1) and a lower position (shown horizontally at the lower portion of Figure 1) by pivoting it about a bearing element 5. For this purpose, a lever part 7 is pivotably coupled to the bearing element 5 at one end, and to the loading floor 3 at its other end. It can be rotated into the lower position simply, by the lifting the right hand end of the floor, and raising it slightly as shown by the arrow 14 and the dot/dash line, so that the pivot at a first spindle 9 can rotate clockwise about a second spindle 11 with the loading floor coming to rest in the lower position as described previously.

When the loading floor is in the lower position, as can be seen in Figure 1, the spindle 9 is located below and offset to the left of the spindle 11, so that the weight of the bearing floor acting on the lever 7 includes a force component  $F_D$  which tends to rotate the lever in a counterclockwise direction. Accordingly, when a user wishes to move the loading floor 3 from its lower position to its upper position by raising the right hand side of the loading floor 3, the torque  $F_D$

assists the movement of the floor into the raised position, thereby making it easier for the user to manipulate the loading floor with only one hand. This feature of the invention is described in the specification at, for example, paragraph [0010].

Both of the Yu et al and Burkey references disclose assemblies in which a horizontal member can be pivotably manipulated between lower and upper positions. In Yu et al, for example, the tire 22 can be extracted from a well 26 by pulling the strap 42. In Burkey, on the other hand, a car top carrier surface 10 can be lowered from an installed position (Figure 1) to a loading position (Figure 5).

By the foregoing amendment, Claims 1, 6 and 8 have been cancelled, while Claim 7 has been amended to place it in independent form, including the limitations of Claims 1, 6 and 8. As amended, Claim 7 recites that in the lower floor position, the first spindle is arranged below the second spindle, and is offset laterally with respect to the second spindle "in such a way that a torque applied to the lever parts by weight of the loading floor acting on them is directed in a pivoting direction of the loading floor when it is being moved from the lower loading floor position into the upper loading floor position". The latter feature of the invention, which, as noted previously, makes it particularly easy for an operator to move the loading floor from its lower position to its upper position, even with a single hand, is neither taught nor suggested by either of the Yu et al

or Burkey references. In Yu et al, the upper pivot point of the pivoting members 40 is never located below the base 32, and is clearly incapable of providing such a restoring torque as described above. In Burkey, on the other hand, while the pivot point 25 (for example) is located slightly below the pivot point 28 (for example) when the car top carrier 10 is in its lowest position, it is clear that the gravitation force exerted on the floor 10 does not support the rotation of the apparatus from the lower position into the upper position. Rather, the opposite is true. Accordingly, Applicants respectfully submit that neither Yu et al nor Burkey anticipates or renders obvious Claim 7 as amended.

The Henderson patent, on the other hand, has been cited as disclosing a locking device 44. It contains no disclosure which would suggest a modification of either of Burkey or Yu et al to replicate the invention as defined in amended Claim 7. Therefore, Applicants respectfully submit that the claims of the present application, all of which depend, directly or indirectly on amended Claim 7, all distinguish over the cited references, and are allowable.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Preliminary Amendment or the

application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gary R. Edwards". The signature is written in dark ink and is positioned above a horizontal line.

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